

AB:KCM
F. #2022R00817

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

DWAYNE PICKETT,

C O M P L A I N T

(18 U.S.C. §§ 922(a)(1)(A), 922(g)(1)
924(a)(1)(D))

Case No. 22-MJ-1049

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DEAN CONIGLIARO, being duly sworn, deposes and states that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, duly appointed according to law and acting as such.

On or about and in between September 14, 2022 and September 27, 2022, within the Eastern District of New York and elsewhere, the defendant DWAYNE PICKETT not being a licensed importer, manufacturer, dealer, and collector of firearms, did knowingly and intentionally engage in the business of dealing in firearms, to wit: one (1) Rock Island Armory M1911 A1-FS pistol, serial number RIA2481732; one (1) Taurus 1911 9mm pistol , serial number ACM673470; one (1) Magnum Research Inc. MR1911G pistol, serial number G-A01836; one (1) Rock Island Armory M1911 A1-MS pistol, serial number RIA2443090; one (1) Walther PPQ .22 Pistol, serial number PP040814; one (1) Springfield Armory Garrison pistol, serial number NM 777986; one (1) Polymer 80 (P80) 9mm Caliber Pistol, PMF; one (1) Rock Island Armory M1911 A1 FS pistol, serial number RIA2547729; one (1) Smith & Wesson 32-S revolver, serial number 618399; and one (1) Kel-Tec PMR-30 .22 WMR, serial number

WYA096; one (1) Ruger SR 40 pistol, serial number 342-43574; one (1) Smith and Wesson SD9VE pistol, serial number FYR4744; one (1) Taurus G2C PT111 9mm pistol, serial number ACG971804; one (1) Glock 22 Gen. 4 .40 caliber pistol, serial number PRG671; and one (1) Taurus .357 revolver, serial number ABB281132.

(Title 18, United States Code, Sections 922(a)(1)(A) and 924(a)(1)(D))

On or about and in between September 14, 2022 and September 27, 2022, within the Eastern District of New York and elsewhere, the defendant DWAYNE PICKETT, knowing that he had been previously convicted in a court of one or more crimes punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting interstate or foreign commerce a firearm, to wit: one (1) Rock Island Armory M1911 A1-FS pistol, serial number RIA2481732; one (1) Taurus 1911 9mm pistol , serial number ACM673470; one (1) Magnum Research Inc. MR1911G pistol, serial number G-A01836; one (1) Rock Island Armory M1911 A1-MS pistol, serial number RIA2443090; one (1) Walther PPQ .22 Pistol, serial number PP040814; one (1) Springfield Armory Garrison pistol, serial number NM 777986; one (1) Polymer 80 (P80) 9mm Caliber Pistol, PMF; one (1) Rock Island Armory M1911 A1 FS pistol, serial number RIA2547729; one (1) Smith & Wesson 32-S revolver, serial number 618399; and one (1) Kel-Tec PMR-30 .22 WMR, serial number WYA096; one (1) Ruger SR 40 pistol, serial number 342-43574; one (1) Smith and Wesson SD9VE pistol, serial number FYR4744; one (1) Taurus G2C PT111 9mm pistol, serial number ACG971804; one (1) Glock 22 Gen. 4 .40 caliber pistol, serial number PRG671; and one (1) Taurus .357 revolver, serial number ABB281132.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been for approximately eight years. I have participated in numerous investigations involving narcotics and illegal firearms. Through my training, education, and experience, I have become familiar with the manner in which narcotics and firearms are trafficked.

2. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, my training and experience and from reports of other law enforcement officers involved in the investigation. Unless specifically indicated, all conversations and statements described in the affidavit are set forth in sum and substance and in part.

3. On or about September 13, 2022, an Undercover Officer ("UC"), contacted an individual, who identified himself as "Waynehead." The UC and "Waynehead" discussed the UC purchasing a firearm and "Waynehead" informed the UC that he had eleven firearms for sale. At approximately 12:00 p.m. the following day, on or about September 14, 2022, the UC met "Waynehead" in the UC's vehicle at a gas station located on 150 Street, Jamaica, New York, which is in Queens County. As shown on video recording of the transaction, the UC and "Waynehead" discussed firearms, and the UC purchased 10 firearms in exchange for \$11,500. "Waynehead" also informed the UC that he has approximately 15 additional firearms that he would be willing to see to the UC the following week.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

4. Below is a photograph showing the firearms that "Waynehead" sold to the UC on or about September 14, 2022:



5. Following the September 14, 2022 purchase described above, ATF traced the serial numbers of eight of the ten firearms to a report of 24 stolen firearms from a Federal Firearms Licensee located in North Carolina. The same incident report also lists 16 other stolen firearms.

6. The above recovered firearms are identified as the following: one (1) Rock Island Armory M1911 A1-FS pistol, serial number RIA2481732; one (1) Taurus 1911 9mm pistol , serial number ACM673470; one (1) Magnum Research Inc. MR1911G pistol, serial number G-A01836; one (1) Rock Island Armory M1911 A1-MS pistol, serial number RIA2443090; one (1) Walther PPQ .22 Pistol, serial number PP040814; one (1) Springfield

Armory Garrison pistol, serial number NM 777986; one (1) Polymer 80 (P80) 9mm Caliber Pistol, PMF; one (1) Rock Island Armory M1911 A1 FS pistol, serial number RIA2547729; one (1) Smith & Wesson 32-S revolver, serial number 618399; and one (1) Kel-Tec PMR-30 .22 WMR, serial number WYA096.

7. On or about September 13, 2022, the UC communicated with “Waynehead” via FaceTime video call. During this FaceTime call, the UC was able to fully observe “Waynehead’s” face. The UC compared these observations to booking photographs in the NYPD arrest records, from which the UC determined that “Waynehead” is DWAYNE PICKETT.

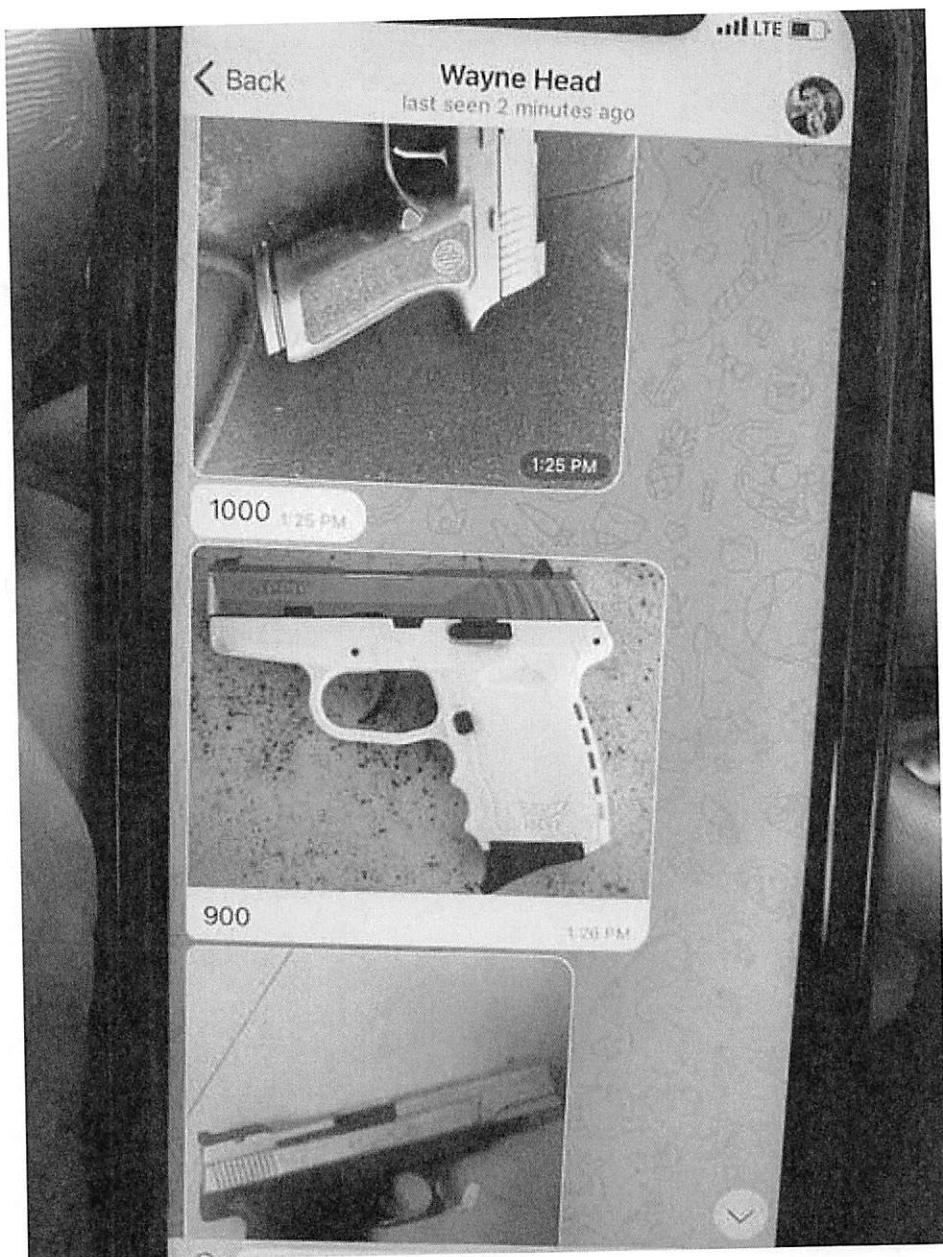
8. On or about September 15, 2022, I applied for a Cell Site Warrant, which was authorized by the Honorable Taryn A. Merkl.² Based upon the data received as a result of this Order, I was able to track PICKETT’s location. I observed that PICKETT was in Statesville, North Carolina, on or about September 20, 2022 until September 26, 2022.

9. On or about September 22, 2022, the UC contacted PICKETT via the encrypted messaging app Telegram. PICKETT replied to the UC with a photograph of a black semi-automatic firearm on top of a Gucci handbag, with the caption “1000.” The UC replied, asking PICKETT if the firearm came with “food,” meaning, if it came with ammunition, to which PICKETT replied in the affirmative. The UC asked PICKETT if there were any more, to which PICKETT replied that he was getting the pictures now. A screenshot of the message appears below:

² See 22-MJ-1015.



10. Shortly thereafter, at approximately 1:25 p.m. on September 22, 2022, PICKETT sent three more photographs of firearms to the UC via Telegram, with specific pricing under each photograph. A screenshot of the conversation appears below:



11. On or about September 26, 2022, I observed that PICKETT's location data reflected movement north throughout the night, into the morning of September 27, 2022, where at 8:30 a.m. I observed PICKETT's location near the Goethals Bridge in New Jersey. PICKETT's location data then moved to the area around and including Jamaica, Queens, where it remained.

12. As PICKETT's location data moved northeast, PICKETT and the UC agreed to meet on September 27, 2022, at the same location of their last transaction. PICKETT agreed to sell the UC nine firearms for approximately \$11,000.

13. At approximately 1:00 p.m., PICKETT arrived at the above-described gas station in a black Uber SUV and exited the vehicle carrying a dark blue colored duffle bag. PICKETT was apprehended by law enforcement officers as he approached the UC's vehicle.

14. Law enforcement officers recovered 5 firearms and assorted ammunition from PICKETT's duffle bag, including: one (1) Ruger SR 40 pistol, serial number 342-43574; one (1) Smith and Wesson SD9VE pistol, serial number FYR4744; one (1) Taurus G2C PT111 9mm pistol, serial number ACG971804; one (1) Glock 22 Gen. 4 .40 caliber pistol, serial number PRG671; and one (1) Taurus .357 revolver, serial number ABB281132. A photograph of the firearms recovered in PICKETT's duffle bag is attached below:



15. Law enforcement records reflect that the above-mentioned Taurus G2C PT111 9mm pistol, serial number ACG971804, was reported stolen in Charlotte, North Carolina, on November 28, 2021.

16. PICKETT was transported to the 113 Precinct for arrest processing. I advised PICKETT of his Miranda rights and asked PICKETT if he was willing to make a statement. PICKETT waived his rights, and stated, in sum and substance, that he first dealt with the person he was supposed to meet with today [the UC] approximately three weeks prior, when

he sold him 10 guns for \$11,000 cash. PICKETT stated that the guns he initially sold three weeks ago were brought by him from North Carolina to New York, but that the guns PICKETT was going to sell today were acquired from various individuals in New York. PICKETT further stated that he was delayed today because he was trying to get more guns from another person, but that person blew him off.

17. I have reviewed PICKETT's criminal history, which revealed, among other felony convictions, that on or about August 9, 2018, PICKETT was convicted of Possession of a Firearm by a Felon, a class G felony, in violation of North Carolina General Statutes 14-415.1, for which PICKETT was sentenced to a term of confinement of 14 months to 26 months and a term of 30 months of probation.

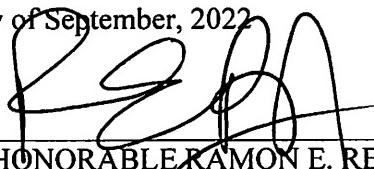
18. Law enforcement officers have confirmed that PICKETT is not a licensed firearms dealer. Furthermore, I am informed by the ATF Interstate Nexus Expert that none of the above-described firearms, provided by PICKETT, were manufactured in the state of New York.

WHEREFORE, your deponent respectfully requests that the defendant DWAYNE PICKETT be dealt with according to law.



DEAN CONIGLIARO
Special Agent, Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me this
26 day of September, 2022



THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK